



The Department of the Air Force **General Counsel**

April 2005

GCA ETHICS NEWSGRAM

We took a short hiatus from publishing our Ethics Newsgrams, but are happy to return with this latest edition. Because it's been awhile since we talked...here's a reminder of who we are, what we do, and how to contact us.

The Air Force General Counsel's Office (SAF/GC) is the Air Force Designated Agency Ethics Official (DAEO). This means that oversight and implementation of the Air Force Ethics Program is handled through the General Counsel's Fiscal and Administrative Law Division (SAF/GCA). **Mr. Don Fox**, Deputy General Counsel, heads SAF/GCA. The director of the Ethics Office is **Ms. Melinda Loftin** (DSN 225-6552).

The main point of contact for field inquiries is **Ms. Jane Love** (DSN 227-7693). If she is unavailable, please contact **Mr. Joe Trombo**, **Ms. Kerri Cox**, or **Mr. Dave Thomas** at the main office number (below). We also have an experienced paralegal, **Ms. Virginia ("Lori") Hilderbrand**.

SAF/GCA's main office number is DSN 227-7430. The fax number is DSN 227-3216. Ethics Office members can also be reached via e-mail by typing their name (first.last) followed by "@pentagon.af.mil." We are located in the Pentagon (Rm 4C916 & 4C921).

Ethics counselors at the installation level are reminded that they should raise issues and questions through appropriate supervisory legal offices (i.e., the "chain of command") unless the situation is time-critical. Ethics counselors at the MAJCOM, FOA and DRU-levels should call us directly. Also, Air Force ethics counselor should not seek advice outside Air Force channels (i.e., other Services HQs, DOD or OGE) without first coordinating with SAF/GCA.

And now....the *news*!

New Training Requirements - Pre- and Post-Employment. On 25 Oct 04, DEPSECDEF issued new training requirements on the pre- and post-employment ethics

rules for DOD employees. The new requirements fall into three categories: (1) Annual certification for SF 278 filers; (2) Annual training on the rules; and (3) Out-processing training for all personnel. For more information on all three requirements, see the SAF/GCA Ethics Website on FLITE.

Upcoming Suspenses:

Travel Reimbursement under 31 U.S.C. 1353. The next semi-annual report of travel reimbursement from non-Federal sources is due to SAF/GCA in electronic form by 30 Apr 05 (covering travel between 1 Oct 04 and 31 Mar 05). The report is accomplished on a SF 326 (available on our website), which is completed by the traveler upon return. Please be sure to communicate this requirement throughout your organization to ensure comprehensive reporting.

Public Financial Disclosure Reports (SF 278s). Ethics counselors need to encourage all general officers and SES'ers to complete and file their annual SF 278 by 15 May 05. Remember that the filer's supervisor and an ethics counselor must review and sign the report prior to sending it to SAF/GCA. The original report should be sent to GCA by express mail -- regular mail delivery can be delayed up to six weeks. An electronic version of the SF 278 is available on the OGE, DOD and GCA websites.

New Guidance on Government Hosted Conferences. A recent Comptroller General decision has generated some concern among Federal agencies about how government-hosted conferences can and should be funded. The decision (B-300826, 3 March 05) indicates that Agencies may not collect and use conference fees from attendees. It also suggests that co-sponsors and contractors may not collect and use them, either. Because many government-hosted conferences use attendance fees to off-set costs, the "way ahead" is not clear. However, DOD/GC is reviewing the GAO guidance and is expected to issue definitive guidance in the coming months. Until the DOD guidance is issued, we suggest you continue providing advice in accordance with AFI 65-601, Vol I, Budget Guidance and Procedures, paragraph 4.42.

Senior Civilians and Post-Government Employment. As of January 2004, DOD civilians whose rate of pay is equal to or greater than 86.5% of the pay for level II of the Executive Schedule are now subject to the one-year "cooling off" period for post-government employment under 18 USC 207(c). Translated into English.... Senior Executive Service (SES) personnel, and other senior civilians, who earn more than \$140,216 in base pay (without locality pay) face the same one-year "cooling off" period that all general officers face. Prior to the new law, only very senior SES officials were restricted by this ban. More detailed information can be found on the SAF/GCA Ethics website (accessible through FLITE).

BRAC Activities -- The List Draws Near. On or about 16 May 2005, SECDEF will issue the Pentagon's list of installations to be realigned and closed. The list will then be closely review by a Presidential Commission and the Comptroller General. By September 2005, the Commission will send the President its list of recommendations (based on the Pentagon's list). This will turn into the President's list, which will be approved (or not) by Congress later in the fall, 2005. What does this mean for you? That BRAC will be a hot topic over the next few months. As they have from the beginning, DOD officials must continue to remain neutral and impartial in relation to this process. They must also avoid any official or personal involvement in controversies generated by the lists.

Tracking the "Top 10" DOD Contractors. DOD adopts an annual list of the ten largest DOD contractors. Ethics counselors should take notice of this list because the Senate Armed Services Committee requires that military officers who are nominated for 3- and 4-star positions divest themselves of any these "top 10" company stocks. Here is the 2004 list (<http://www.dior.whs.mil/peidhome/procstat/p01/fy2004/top100.htm>):

Rank		Company Name	Awards (Billion\$)	
2004	2003		2004	2003
1	1	LOCKHEED MARTIN CORPORATION	20.7	21.9
2	2	BOEING COMPANY, THE	17.3	17.3
3	3	NORTHROP GRUMMAN CORPORATION	11.9	11.1
4	4	GENERAL DYNAMICS CORPORATION	9.6	8.2
5	5	RAYTHEON COMPANY	8.5	7.9
6	7	HALLIBURTON COMPANY	8.0	3.9
7	6	UNITED TECHNOLOGIES CORPORATION	5.1	4.5
8	9	SCIENCE APPLICATIONS INTERNATIONAL CORP.	2.5	2.6
9	10	COMPUTER SCIENCES CORPORATION	2.4	2.5
10	11	HUMANA, INCORPORATED	2.4	2.4

Increased Value - Foreign Gifts. Every three years, the General Services Administration assigns a value to the term "minimal value" for purposes of applying the Foreign Gifts and Decorations Act. Effective 1 Jan 05, the new value is \$305. This means that if an individual is offered a gift from a foreign government that exceeds \$305, it must be returned or accepted on behalf of the U.S. government (and then handled in accordance with AFI 51-901, *Gifts from Foreign Governments*). This value also determines which gifts must be listed on financial disclosure reports.

Gifts to the USAF. The Air Force continues to receive many gift offers, especially for distribution to individuals and their families. Be sure to evaluate these gifts in accordance with AFI 51-601, *Gifts to the Department of the Air Force*. Note that gifts for distribution to military personnel overseas are generally discouraged because they involve logistical burdens and shipping costs. If, however, the donor insists on making

an offer, then coordinate (prior to acceptance) with the Air Force Services Agency, General Counsel's Office, San Antonio, Texas.

Ethics Training 2005. Under the JER, all SF 278 and OGE 450 filers, must receive annual ethics training. Training is also required for new Federal employees and all those who are leaving Federal service. It is also recommended for groups who may have special ethical concerns (i.e., contracting officers, commanders, IMPAC card holders, medical law consultants, special government employees, advisory board members). SAF/GCA encourages you to use a "values based" approach to training. This means that in addition to highlighting the rules, you address the theory behind them and relate them to our core values. For an example of "values based" training, see the SAF/GCA Ethics Training 2003 (posted on our website under "briefings").

Acquisition Workforce Ethics Training. In early 2005, SAF/AQX directed that certain acquisition career specialists must take ethics training as part of an online course offered by the Defense Acquisition University (DAU). This training is part of the employee's career-based continuing education requirement. It is NOT related to, nor a substitute for, annual ethics training required by the Joint Ethics Regulation. Therefore, acquisition personnel who are required to take the DAU training must also complete the normal JER ethics training (if they file an SF 278 or OGE 450). Personnel with questions about the DAU training should contact their career advisors or SAF/AQX.

Websites to Save. Throughout our *Newsgrams*, you'll see references to the following websites. We recommend that you save them to your "favorites" list and refer to them often because they contain important news and updates.

SAF/GCA: <https://aflsa.jag.af.mil/SAFGC/SOURCE/ethics.htm>

AFMC LO/JA: <http://www.afmc-pub.wpafb.af.mil/HQ-AFMC/JA/lo/lojaf/ethics/index.htm>

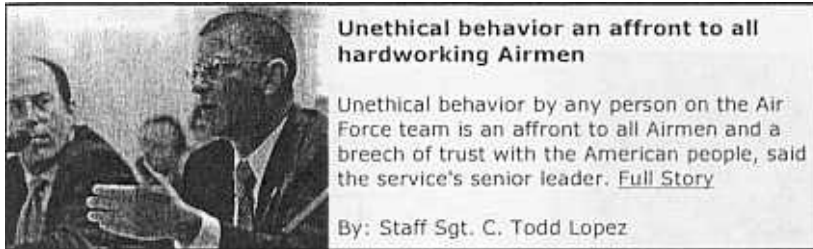
DOD/GC-SOCO: http://www.defenselink.mil/dodgc/defense_ethics

OGE: <http://www.usoge.gov>

Comments & Suggestions. Please send your comments and suggestions for future *Ethics Newsgrams* to SAF/GCA, care of Ms. Jane Love, DSN 227-7693. You can also E-mail her at jane.love@pentagon.af.mil.



 AF Home



News Headlines

Current News Headlines

Airmen cross 100-mission milestone

Somewhere out there is an old Air Force veteran who has been around and has seen practically everything. [More...](#)

C-130 maintainers keep mission-capable rates high

C-130 Hercules maintainers with the 774th Expeditionary Airlift Squadron here are keeping mission-capable rates for C-130s as high as 15 percent above the Air Mobility Command standard. More...

England briefs Senate on new civilian personnel system

The Civil Service system began in the 1880s to foster a professional federal work force, and the National Security Personnel System continues that spirit, said Navy Secretary Gordon R. England here April 10. More...

F-16 crew chiefs combat odds to keep jets in flight

Family learns life lessons through autistic son

Female Airman tosses hat in boxing ring

Officials announce recipients of 2004 PA achievement awards

Rumsfeld visits Airmen at Manas

**AF changing public chat rooms
process effective 18 Apr 05**

The AF is changing the process to create public chat rooms effective 18 Apr 05.

Improved AF Portal Search!

The Air Force Portal search functionality has been greatly enhanced over the past few weeks. If it has been a while since you used the AF Portal search we encourage you to try again and experience the new features.

- [AF Transformation Home](#)
- [FAQs](#)
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[AF Home](#) : [Featured Story](#) : Unethical behavior an affront to all hardworking Airmen

April 18, 2005

Unethical behavior an affront to all hardworking Airmen

- AF News
- AF Transformation
- Air and Space Expeditionary Force
- Dept. of Defense
- US Government



By Staff
Sgt. C.
Todd
Lopez
Saturday,
April 16,
2005
1:56 AM

WASHINGTON -- Unethical behavior by any person on the Air Force team is an affront to all Airmen and a breach of trust with the American people, said the service's senior leader. </p><p> Michael L. Dominguez, acting secretary of the Air Force discussed Air Force acquisition programs and the ethics of spending taxpayers' money during testimony April 15 before the Senate Armed Services Committee subcommittee on airland. </p><p> "I take any breach of integrity and trust seriously," Mr. Dominguez said. "I am deeply concerned that Air Force leaders and acquisition officials have lost the confidence of the members of this committee. I intend to address these issues forthright." </p><p> Some of those issues involve initial negotiations on the cost of leasing tankers to replace KC-135 Stratotankers, pricing on the small diameter bomb and the cost of the C-130 Hercules avionics modernization program. Many of those contracts fell under the watch of former Air Force acquisition official Darleen Druyun. In late 2004, Ms. Druyun was convicted and sentenced to nine months in jail for some of her criminal actions. Mr. Dominguez said the Air Force would not let that happen again. </p><p> "We must take all necessary steps to avoid abuse of trust such as those committed by Ms. Darleen Druyun," he said. "We are working closely with Mr. Michael Wynne, the undersecretary of defense for acquisition, technology and logistics, to pursue what he called 'aggressive action' to understand what may have contributed to this situation and how to protect against such problems in the future." </p><p> In the early 1990s, in an effort to streamline Department of Defense acquisition, certain levels of acquisition oversight were eliminated. Some senators asked Mr. Dominguez if he thought perhaps the effort had gone too far in eliminating that oversight, and if it may have lead to accrual of too much power by Ms. Druyun. </p><p> "The commercial business practices were much in vogue (at the

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- Communities of Practice (CoPs)
- Projects

Ethics

One of the practice areas of the Office of the Deputy General Counsel (Fiscal and Administrative Law) is that of ethics and standards of conduct. This division is responsible for providing advice to the General Counsel in her capacity as the Designated Agency Ethics Official. Attorneys in this division are also responsible for interpreting the Joint Ethics Regulation (JER), resolving conflict of interest problems of new Presidential appointees and other senior Secretariat officials, managing the financial disclosure reporting system for the Secretariat, and counseling employees with respect to post employment restrictions, official invitations, gifts, travel, outside activities, and relations with non-federal entities.

Mission Statement

Aiming to be the premier ethics program in the United States Federal Government, the ethics office provides ethics leadership to all Air Force personnel through training, education, and case-specific guidance, offering legal advice to ensure public confidence in the integrity of government officials. Our office upholds the Air Force values of integrity, service, and excellence.

The SAF/GCA Ethics Newsgram

- Current Issue: July 2004
- Archives: April 2004 Oct 2003

- **Building a JER**
- **Compilation of Federal Ethics Laws!** - NEW

Legal advice regarding the following areas is provided by our office:

- **2004 Annual Ethics Training -- SAF/GCA**
- **2004 Annual Agency Ethics Report**
- **Conflict of Interest Issues**
 - Conflicts of Interests (pamphlet)
- **Endorsements**
 - Marketing Activities (talking paper)
 - Endorsements (pamphlet)
- **Ethics Briefings**
 - 2003 Annual Ethics Training -- SAF/GCA
 - Ethics in the Workplace
- **Ethics Values**
 - Chief's Sight Picture - "Character -- The Courage to Do the Right Thing" (11 Feb 04)
 - July 2004 GC Quarterly - Values Based Ethics
- **Financial Disclosure Reporting (OGE-450s and SF-278s)**
- **Fundraising**
 - OPM Special Authorization - Tsunami Relief (30 Dec 04)
 - Fundraising at the Workplace (talking paper)
 - Fundraising (pamphlet)
- **General Officer Issues**
 - General Officers' Financial Interest
- **Gifts**
 - Gifts to Superiors (talking paper)
 - Gifts Between Employees (pamphlet)
 - Gifts From Outside Sources (pamphlet)
 - Gifts to Medical Treatment Facilities (talking paper) - NEW
- **Interpretations of the Joint Ethics Regulations (JER)**
- **Misuse of Position**
 - Misuse of Position and Resources (pamphlet)
- **Off-Duty Employment Restrictions**

- [Off-Duty Employment \(talking paper\)](#)
- **Official Invitations**
- **OGE Audits**
 - [Preparation Guide \(manual\)](#)
- **Orientation Materials**
 - [New Employee's Guide to the Standards of Conduct](#)
- **Political Activities**
 - [Civilian Political Activities \(pamphlet\)](#)
 - [Active-Duty Military Political Activities \(pamphlet\)](#)
 - [Civilian Political Activities \(DEPSECDEF Memo, 21 Jan 04\)](#)
 - [OSC Memo](#)
- **Political Nominations**
- **Post-Government Service Restrictions**
 - [Off-Duty Employment \(pamphlet\)](#)
 - [Post-Government Employment \(pamphlet\)](#)
 - [Post-Government Employment -- SES \(memorandum\)](#)
 - [New JER Requirements - Pre- and Post-Employment Training](#)
 - [Pre- and Post-Employment Briefing](#)
 - [Pre- and Post-Employment Handout](#)
 - [SAF/GCA Memo - New JER Requirements on Pre- and Post-Employment Training](#)
 - [DoD/GC-SOCO Handout for SF278 filers + certification](#)
- **Procurement Integrity**
 - [Procurement Integrity \(pamphlet\)](#)
- **Relations with Non-Federal Entities**
 - [NFE Participation \(talking paper\)](#)
 - [Support for Super Bowl 2005](#)
- **Travel**
 - [Premium Class Travel Program \(DEPSECDEF Memo 19 Mar 04\)](#)
 - [Frequent flyer mileage \(talking paper\)](#)
 - [Official Travel to Military Ceremonies \(Talker\)](#)
 - [Travel reimbursement from non-federal sources \(talking paper\)](#)
 - [Travel \(pamphlet\)](#)
 - [SF326 - Semiannual Report of Payments Accepted from a Non-Federal Source](#)
 - [Accessible FormNet Screen-Fillable Forms](#)
 - [PDF Version](#)
 - [FormFlow Version 1.](#)
 - [Spouse Travel](#)
 - [ILGT Talker on Spouse Travel - NEW](#)
 - [DOD Memo on Spouse Travel](#)
 - [Premium Class Travel Guidance](#)

If you need further advice, contact your SJA or MAJCOM point of contact.

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Today is Tuesday, 19 Apr, 2005
Last updated: 04/13/2005



Practical Guidance for Ethics Counselors

Standards of conduct can be a challenging area for new practitioners. You know the rules are widespread, diverse, and sometimes complicated. What you will learn is that to a large extent, they are also subjective. This means in many situations, reasonable lawyers may differ about the “right” answer. Thus, we in SAF/GCA offer the following advice to help you from a practical (vs. technical) perspective. This list has been compiled from counselors with many years of experience -- and a few lessons learned the *hard* way.

Stress Core Values. The military services are unique among Federal Agencies because they have established ethical core values for all ranks and levels of personnel. “Integrity First, Service Before Self, and Excellence in All We Do” is more than a catchy slogan -- it is the foundation of our agency’s moral and ethical climate. If you tie these values into the technical rules set out in our regulations, they will have more credibility and will hopefully be incorporated into daily activities and decisions.

- **Be a technician when giving advice.** While the big picture is important in terms of values, we also need to be aware of the detailed rules. Stated differently, avoid “shooting from the hip.” There are some areas of the law where educated guesses and common sense will often give you the right result. Ethics is *not* one of those areas. Examples? Try travel restrictions, gift rules and off-duty employment. Develop the habit of avoiding off-the-cuff advice. Instead, get the facts, do the research, consult with others, and then render an opinion.
- **Get a second opinion -- before you give an opinion.** This is a very good practice technique, especially when you are new to the area. Get a second opinion before you give an opinion. And don’t limit the second opinion to your fellow attorneys -- seek out subject matter experts. Examples: for community support -- public affairs; for travel -- transportation; for misuse of computers - communications; for private organizations - services. Not only will you save time and effort, you will usually get a more reliable and complete answer.
- **Remember the Chain of Command.** You have a wealth of ethics experience in your staff judge advocate. However, if he or she is not sure of an answer and authorizes you to go “up the chain” -- then you can also benefit from the experience of lawyers at the MAJCOM-level. These folks are familiar with your mission, your senior leaders, and the Joint Ethics Regulation. Very few questions will stump them. But if they are not available and time is critical, contact SAF/GCA directly. On the other hand, do not go outside of the Air Force when seeking guidance; this includes

posing question directly to DoD/GC-SOCO or OGE, without first obtaining approval from SAF/GCA.

- **Keep copies of your opinions.** Whether you give advice over the telephone, via E-mail, or through formal memos, keep good records on your advice. This builds consistency. It also protects you when someone acts contrary to your advice. Finally, it helps you (and your successors) avoid “re-creating the wheel” -- you will find that many of the same ethics questions come up again and again (and again).
- **Train, train, train.** Most Air Force personnel are ethical and want to comply with the rules. A big part of your job is to help them understand the rules. It is also a good way to build your reputation as a “go to” person in your organization. Use training as an opportunity to show that you are a counselor, not a naysayer, when it comes to ethics (and other legal issues). You do not have to limit yourself to the folks who require annual training (i.e., SF 278 and OGE 450 filers). Train the contracting folks, the Inspector General, the folks who run the hospital, the executive officers. Use your imagination in identifying folks who need training.
- **Get senior leadership behind your efforts.** Senior leaders set the tone -- and make the decisions -- that affect everything we do. Soldiers, Sailors, Marines and Airmen follow the lead of their commanders. Get your commanders supervisors and first sergeants to “buy in” to the importance of ethics in day-to-day activities. Once you do this, you can seek their support if your guidance is disregarded. The commander’s commitment to ethics permeates the organization and sets the community standard (aka the “ethics climate.”) The stronger the commander’s commitment, the more subordinates will pay attention to the rules and the easier your job will be.
- **Stay current.** In this age of information technology, there is no excuse for using outdated information. Make sure your JER is current. Keep several good ethics web sites on your favorites list (see our suggestions, below) and check them often. Keep policy letters (your own and higher HQ’s) in organized files for easy reference. The law is out there - it’s your job to pay attention, stay current, and get the rules right.
- **Look ahead.** Experienced ethics counselors know that every year brings the same deadlines for program reports, financial disclosure forms, and training. Really smart counselors realize that these deadlines are a constant from year to year and plan ahead. Therefore, give yourself a “heads up” of upcoming requirements by marking your calendar well in advance of suspense dates.
- **Don’t mix ethics and legal assistance.** Legal assistance is one of the few areas where the law recognizes an attorney-client relationship between a government attorney and a government employee (i.e., “the client.”) The same is not true for ethics counseling -- anything an employee discloses during the course of ethics counseling may be used in a disciplinary or administrative proceeding. Therefore, never give the impression that an ethics conversation with you is protected from

disclosure. For example, do not provide ethics counseling in the course of giving legal assistance or have a visit documented as legal assistance.

- **Don't give in to pressure when you know you are right.** Once in awhile, officials do not want to accept "no" for an answer. They may believe the ends justify the means or that the particular situation warrants an exception to the general rule. Maybe they just don't like the answer. But when you know your advice is right -- stick with it. It's never easy, but it's always the right thing to do. Don't give in to pressure. Do your best to persuade your client to take the high road, but if your advice is disregarded, the person who disregards it is the one who will answer for it later. If this type of disagreement occurs with local authorities, forward the matter "up the chain." This is not disloyalty to your leaders -- it is loyalty to the Air Force.

***** *Need Further Help?* *****

Helpful Internet Sites:

- <http://www.usoge.gov>: **Home Page of the Office of Government Ethics.** Contains an extensive list of news items, OGE memos and DAEOgrams, and financial disclosure forms
- http://www.defenselink.mil/dodgc/defense_ethics/index.html: **Home Page for DoD/GC-Standards of Conduct.** Contains newsgrams, a complete copy of the JER (w/amendments), and DoD policy memos.
- <https://aflsa.jag.af.mil/SAFGC/SOURCE/safgca.htm>. **Home Page for SAF/GCA Ethics.** Contains talkers, forms, training and "Ethics Newsgrams"
- <http://www.afmc-pub.wpafb.af.mil/HQ-AFMC/JA/lo/lojaf>: **Home Page for AFMC Legal Office Ethics Officials.** Contains many research and training tools on a wide variety of ethics topics. Also contains the updated CFR provisions incorporated in the JER.